

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 09-CR-20620

vs.

HON. BERNARD A. FRIEDMAN

DONALD RAY BURROUGHS,

Defendant.

**OPINION AND ORDER DENYING
DEFENDANT'S MOTION FOR RECONSIDERATION**

This matter is presently before the Court on defendant's motion for reconsideration [docket entry 68] of the Court's order denying his motion for compassionate release. The government has filed a response in opposition. Defendant has not replied. Pursuant to E.D. Mich. LR 7.1(h)(2), the Court shall decide this motion without a hearing.

Defendant, currently confined at FCI-Allenwood Low in Allenwood, Pennsylvania, seeks compassionate release under 18 U.S.C. § 3582(c)(1)(A)¹ on the grounds that

¹ Section 3582(c) states in relevant part:

Modification of an Imposed Term of Imprisonment.—The court may not modify a term of imprisonment once it has been imposed except that—

(1) in any case—

(A) the court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier, may reduce the term of imprisonment (and may impose a term of

his medical conditions (“hypertension, hyperlipidemia, and chronic obstructive pulmonary disease (COPD)”) increase the risk that he would experience serious health consequences if he were to become infected by the coronavirus. Def.’s Br. at 5. The Court denied the motion because, “[w]hile defendant does have medical conditions that put him at heightened risk if he were to contract COVID-19, he has not shown that the risk at FCI-Allenwood Low is unacceptable.” Op. and Ord. at 3 (PageID.1014). The Court noted the low number of COVID-19 cases at Allenwood Low FCI (just one inmate testing positive at the end of August 2020) where defendant is housed.

In his motion for reconsideration, defendant indicates Allenwood Low “has now confirmed cases of the COVID-19 virus and the spreading of it.” Def.’s Mot. for Recon. at 1. The government acknowledges that the number of infected inmates has increased, but notes that this number fluctuates daily. As of mid-January 2021, Allenwood Low reports that twenty-nine inmates and fourteen staff members are infected. *See* <https://www.bop.gov/coronavirus> (last visited Jan. 16, 2021).

While the number of COVID-19 cases has risen at Allenwood Low, just as it has elsewhere around the country and around the world, defendant has not presented any facts that would lead the Court to alter its earlier conclusion that he “has shown, at most, that the coronavirus poses a generalized risk, not that it poses an unacceptably high risk to him based

probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that—

- (i) extraordinary and compelling reasons warrant such a reduction

on his living circumstances and medical conditions.” Op. and Order at 4 (PageID.1015). As the Court noted previously, compassionate release is an “extreme remedy,” *id.* (quoting *United States v. Shah*, No. 16-20457, 2020 WL 1934930, at *2 (E.D. Mich. Apr. 22, 2020)), and it is not warranted in this case. Accordingly,

IT IS ORDERED that defendant’s motion for reconsideration is denied.

Dated: January 19, 2021
Detroit, Michigan

s/Bernard A. Friedman
Bernard A. Friedman
Senior United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 19, 2021.

Donald Ray Burroughs, #44075-039
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s/Johnetta M. Curry-Williams
Case Manager